

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved in part; Denied in part	Appeal Number:	2510596
Decision Date:	10/14/2025	Hearing Date:	08/18/2025
Hearing Officer:	Emily Sabo		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Kelly Rayen, RN, Optum



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, Quincy, Massachusetts 02171*

APPEAL DECISION

Appeal Decision:	Approved in part; Denied in part	Issue:	Prior Authorization; Personal Care Attendant (PCA) Services
Decision Date:	10/14/2025	Hearing Date:	08/18/2025
MassHealth's Rep.:	Kelly Rayen, RN	Appellant's Rep.:	Pro se
Hearing Location:	Quincy Harbor South (Telephone)	Aid Pending:	Yes

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated July 10, 2025, MassHealth modified the Appellant's prior authorization request for personal care attendant (PCA) services from the requested 53 hours, 15 minutes per week to 46 hours, 15 minutes per week. Exhibit 1. The Appellant filed this appeal with the Board of Hearings in a timely manner on July 17, 2025. 130 CMR 610.015 and Exhibit 2. Modification of a prior authorization request is valid grounds for appeal to the Board of Hearings. 130 CMR 610.032.

Action Taken by MassHealth

MassHealth modified the Appellant's prior authorization request for PCA services.

Issue

Was MassHealth correct, pursuant to 130 CMR 422.410 and 130 CMR 450.204(A), to modify the Appellant's prior authorization request for PCA services from the requested 53 hours, 15 minutes per week to 46 hours, 15 minutes per week?

Summary of Evidence

The hearing was held by telephone. The Appellant represented herself and verified her identity. MassHealth was represented by a Registered Nurse and clinical appeals reviewer and submitted records in support. Exhibit 5.

The MassHealth representative testified that the Appellant's personal care management agency (PCM agency) is [REDACTED]. As part of a reevaluation, they requested, on the Appellant's behalf, 53 hours, 15 minutes per week of PCA services. On July 10, 2025, MassHealth modified the authorization to allow 46 hours, 15 minutes per week for PCA services. The time period for the request for services is July 31, 2025, to July 30, 2026. MassHealth modified the categories of bathing, dressing/undressing, and toileting (bladder and bowel care).

The MassHealth representative testified that the Appellant is [REDACTED] and she has a medical history of [REDACTED]

[REDACTED] The MassHealth representative testified that she did not dispute the Appellant's illnesses but that MassHealth made modifications to the time requested because the time requested was longer than ordinarily required, and that wait time or emotional support is not a covered service. The MassHealth representative testified that time authorized for PCAs is for hands-on physical assistance for services within the home.

The Appellant testified that she did not understand why her PCA time was reduced and that she would at least like to maintain the 52 hours for PCA services which she received for the prior service year. The Appellant testified that she would trust the evaluation and time requested by the evaluating [REDACTED] nurse. The Appellant testified that it is very hard to understand and break down the PCA's time and labor into minutes for specific activities, the way that MassHealth had in its modification of the authorization request. The Appellant testified that her condition had deteriorated in the last year. She explained that her arms have gotten weaker and that she cannot lift them over her head. The Appellant testified that previously she was able to crawl and scoot herself along on the floor but now has been having more problems with falling. The Appellant testified that she lost the use of her legs in [REDACTED]. The Appellant testified that she does not like that she is so sick.

Bathing

The MassHealth representative testified that ██████ requested 45 minutes for showering twice a week (totaling 90 minutes) and 40 minutes for bathing, 5 days per week (totaling 200 minutes). MassHealth reduced the time authorized for showering to 30 minutes twice a week (60 minutes) and did not modify the time allotted for bathing. The MassHealth representative explained that because the Appellant is at maximum assistance for bathing, it means that the Appellant is still involved in the activity, but that she requires up to 75% of physical assistance to complete the task (and contrasted to total dependence in which the consumer requires 100%/full performance of the activity by another). The MassHealth representative stated that MassHealth approved the requested time for grooming, which included nail care, oral care, shaving, and hair. The MassHealth representative testified that the approved time averaged to more than 35 minutes daily for bathing and that this was sufficient for the Appellant's needs.

The Appellant stated that she was unsure why there was a distinction between bathing and showering, and that all of her bathing takes place with her seated in her shower chair. The Appellant testified that she is not able to wash her own hair and that she can fall off of her shower chair. The Appellant testified that she frequently gets athlete's foot and her PCA also cleans her feet.

Dressing and Undressing

The MassHealth representative testified that ██████ requested 18 minutes for dressing daily and 13 minutes for undressing daily (217 total minutes weekly), and that MassHealth modified the request to approve 15 minutes for dressing daily and 10 minutes for undressing daily (175 total minutes weekly). The MassHealth representative testified that the time requested was longer than ordinarily required, and the time approved is only for the PCA's physical assistance with the Appellant donning and doffing clothing items. The MassHealth representative agreed that the Appellant needed a maximum level of assistance with this task. The MassHealth representative testified that the PCA does not perform occupational or physical therapy functions and cannot pop the Appellant's body back into place.

The Appellant testified that she experiences incontinence due to not being able to feel when she may need to go to the bathroom, and so her underwear and pants are changed more than once a day. The Appellant testified that when dressing and undressing, her PCA wraps her ankles, dresses her in compression socks and places a neck brace. The Appellant testified that she is unable to lift her arms over her head. The Appellant testified that she requires extra time dressing and undressing because her shoulders and hips pop out. The Appellant explained that the tiniest movement can cause her pain.

Toileting¹

¹ MassHealth approved the time requested for nighttime toileting.

6. The Appellant filed a timely appeal with the Board of Hearings on July 17, 2025. Exhibit 2.
7. ██████ requested 45 minutes for showering twice a week (totaling 90 minutes) and 40 minutes for bathing, 5 days per week (totaling 200 minutes). MassHealth reduced the time authorized for showering to 30 minutes twice a week (60 minutes) and did not modify the time allotted for bathing. Testimony, Exhibits 1 & 5.
8. ██████ requested 18 minutes for dressing daily and 13 minutes for undressing daily (217 total minutes weekly), and MassHealth modified the request to approve 15 minutes for dressing daily and 10 minutes for undressing daily (175 total minutes weekly). Testimony, Exhibits 1 & 5.
9. ██████ requested 15 minutes per episode, 8 times per day for bladder care (840 total minutes weekly) and 17 minutes, once per day for bowel care (119 total minutes weekly). MassHealth modified this to 12 minutes per episode, 6 times per day for bladder care (504 total minutes weekly) and 14 minutes, once per day for bowel care (98 total minutes weekly). Testimony, Exhibits 1 & 5.
10. The Appellant is unable to lift her arms above her head. Testimony.
11. The Appellant has lost the sensation of being able to tell when she has to go to the bathroom. Testimony.
12. When dressing and undressing, the Appellant's PCA wraps her ankles, dresses her in compression socks and places a neck brace. Testimony.
13. The Appellant is on a schedule where she goes to the bathroom every two hours. Testimony.

Analysis and Conclusions of Law

MassHealth regulations about PCA services are found at 130 CMR 422.000 *et seq.*

130 CMR 422.402: Definitions

....

Activities of Daily Living (ADLs) — those specific activities described in 130 CMR 422.410(A) and in the Contract for Personal Care Management (PCM) Services. Such activities are performed by a personal care attendant (PCA) to physically assist a member with mobility, taking medications, bathing or grooming, dressing, passive range of motion exercises, eating, and toileting.

....

Activity Time — the actual amount of time spent by a PCA physically assisting the member with ADLs and Instrumental Activities of Daily Living (IADLs). Activity time is reported on the activity form.

....

Instrumental Activities of Daily Living (IADLs) — those specific activities described in 130 CMR 422.410(B) that are instrumental to the care of the member’s health and are performed by a PCA, such as meal preparation and clean-up, housekeeping, laundry, shopping, maintenance of medical equipment, transportation to medical providers, and completion of paperwork required for the member to receive PCA services.

....

Personal Care Attendant (PCA) — a person who meets the requirements of 130 CMR 422.404(A)(1) and who is hired by the member or surrogate to provide PCA services. In addition, for the sole purpose of M.G.L. c. 118E, §§ 70 through 75, a PCA is a person who is hired by the member or surrogate to provide PCA services through a senior care organization (SCO) contracting with the MassHealth agency pursuant to M.G.L. c. 118E, § 9D or a person who is hired by the member or surrogate to provide PCA services through an integrated care organization (ICO) contracting with the MassHealth agency pursuant to M.G.L. c. 118E, § 9F. Unless explicitly stated in 130 CMR 422.000, in the SCO’s MassHealth contract, or in the ICO’s MassHealth contract, no other provisions of 130 CMR 422.000 apply to any SCO, ICO, or PCA hired by any eligible MassHealth member through a SCO or ICO.

....

Personal Care Attendant Program (PCA Program) — a MassHealth program under which PCA services and associated Personal Care Management and Fiscal Intermediary functions are available to MassHealth members including, for the sole purpose of M.G.L. c. 118E, §§ 70 through 75, those services and functions when provided through a senior care organization (SCO) as defined in M.G.L. c. 118E, § 9D, or an integrated care organization (ICO) as defined in M.G.L. c. 118E § 9F. Unless explicitly stated in 130 CMR 422.000, the SCO’s MassHealth contract, or the ICO’s MassHealth contract, no other provisions of 130 CMR 422.000 apply to any SCO, ICO, or PCA hired by an eligible MassHealth member through a SCO or ICO.

....

Personal Care Attendant Services (PCA Services) — physical assistance with ADLs and IADLs provided to a member by a PCA in accordance with the member’s authorized evaluation or reevaluation, service agreement, and 130 CMR 422.410.

Personal Care Management (PCM) Agency — a public or private agency or entity under contract with EOHHS to provide PCM functions in accordance with 130 CMR 422.000 and the PCM agency contract.

Personal Care Management (PCM) Functions — administrative functions provided by a PCM agency to a member in accordance with a contract with EOHHS, including, but not limited to, functions identified in the PCM agency contract and 130 CMR 422.419(A).

130 CMR 422.410: Activities of Daily Living and Instrumental Activities of Daily Living

(A) Activities of Daily Living (ADLs). Activities of daily living include the following categories of activities. Any number of activities within one category of activity is counted as one ADL:

- (1) mobility: physically assisting a member who has a mobility impairment that prevents

- unassisted transferring, walking, or use of prescribed durable medical equipment;
- (2) assistance with medications or other health-related needs: physically assisting a member to take medications prescribed by a physician that otherwise would be self administered;
- (3) bathing or grooming: physically assisting a member with bathing, personal hygiene, or grooming;
- (4) dressing: physically assisting a member to dress or undress;
- (5) passive range-of-motion exercises: physically assisting a member to perform range-of-motion exercises;
- (6) eating: physically assisting a member to eat. This can include assistance with tube feeding and special nutritional and dietary needs; and
- (7) toileting: physically assisting a member with bowel or bladder needs.

(B) Instrumental Activities of Daily Living (IADLs). Instrumental activities of daily living include the following:

- (1) household services: physically assisting with household management tasks that are incidental to the care of the member, including laundry, shopping, and housekeeping;
- (2) meal preparation and clean-up: physically assisting a member to prepare meals;
- (3) transportation: accompanying the member to medical providers; and
- (4) special needs: assisting the member with:
 - (a) the care and maintenance of wheelchairs and adaptive devices;
 - (b) completing the paperwork required for receiving PCA services; and
 - (c) other special needs approved by the MassHealth agency as being instrumental to the health care of the member.

(C) Determining the Number of Hours of Physical Assistance. In determining the number of hours of physical assistance that a member requires under 130 CMR 422.410(B) for IADLs, the PCM agency must assume the following.

- (1) When a member is living with family members, the family members will provide assistance with most IADLs. For example, routine laundry, housekeeping, shopping, and meal preparation and clean-up should include those needs of the member.
- (2) When a member is living with one or more other members who are authorized for MassHealth PCA services, PCA time for homemaking tasks (such as shopping, housekeeping, laundry, and meal preparation and clean-up) must be calculated on a shared basis.
- (3) The MassHealth agency will consider individual circumstances when determining the number of hours of physical assistance that a member requires for IADLs.

130 CMR 422.411: Covered Services

(A) MassHealth covers activity time performed by a PCA in providing assistance with ADLs and IADLs as described in 130 CMR 422.410, as specified in the evaluation described in 130 CMR 422.422(C) and (D), and as authorized by the MassHealth agency.

(B) MassHealth covers transitional living program services provided by an organization in accordance with 130 CMR 422.431 through 422.441 and the MassHealth agency's proposal requirements.

130 CMR 422.412: Noncovered Services

MassHealth does not cover any of the following as part of the PCA program or the transitional living program:

(A) social services, including, but not limited to, babysitting, respite care, vocational rehabilitation, sheltered workshop, educational services, recreational services, advocacy, and liaison services with other agencies;

(B) medical services available from other MassHealth providers, such as physician, pharmacy, or community health center services;

(C) assistance provided in the form of cueing, prompting, supervision, guiding, or coaching;

(D) PCA services provided to a member while the member is a resident of a nursing facility or other inpatient facility, or a resident of a provider-operated residential facility subject to state licensure, such as a group home;

(E) PCA services provided to a member during the time a member is participating in a community program funded by MassHealth including, but not limited to, day habilitation, adult day health, adult foster care, or group adult foster care;

(F) services provided by family members, as defined in 130 CMR 422.402;

(G) surrogates, as defined in 130 CMR 422.402; or

(H) PCA services provided to a member without the use of EVV as required by the MassHealth agency.

Pursuant to 130 CMR 450.204(A), MassHealth will not pay a provider for services that are not medically necessary; and may impose sanctions on a provider for providing or prescribing a service or for admitting a member to an inpatient facility where such service or admission is not medically necessary. A service is "medically necessary" if:

(1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and

(2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to MassHealth. Services that are less costly to MassHealth include, but are not limited to, health care reasonably known by the provider, or identified by MassHealth pursuant to a prior authorization request, to be available to the member through sources described in 130 CMR 450.317(C), 503.007, or 517.007.

130 CMR 450.204(A).

The Appellant has the burden “to demonstrate the invalidity of the administrative determination.” *Andrews v. Division of Medical Assistance*, 68 Mass. App. Ct. 228, 231 (2007). See also *Fisch v. Board of Registration in Med.*, 437 Mass. 128, 131 (2002); *Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn.*, 11 Mass. App. Ct. 333, 334 (1981); *Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance*, 45 Mass. App. Ct. 386, 390 (1998).

Bathing

MassHealth modified the time for bathing, specifically in the area of showering from 45 minutes twice a week to 30 minutes twice a week (90 minutes to 60 minutes). The other 200 total weekly minutes for bathing was not modified.

I have carefully considered the evidence and testimony in the record and find that the Appellant did not meet her burden in demonstrating that MassHealth erred in reducing the approved time for bathing from 290 minutes to 260 minutes weekly. Therefore, this part of the appeal is denied.

Dressing and Undressing

█ requested 18 minutes for dressing daily and 13 minutes for undressing daily (217 total minutes weekly) and MassHealth modified the request to approve 15 minutes for dressing daily and 10 minutes for undressing daily (175 total minutes weekly).

Based on the record evidence documenting the Appellant’s medical conditions and her testimony, which I credit, that she is unable to lift her arms above her head and that her daily attire involves ankle wraps, compression socks, and a neck brace, I find that the Appellant has met her burden regarding the time requested for dressing and undressing. Accordingly, this part of the appeal is approved.

Toileting

Lifepath requested 15 minutes per episode, 8 times per day for bladder care (840 total minutes weekly) and 17 minutes, once per day for bowel care (119 total minutes weekly). MassHealth modified this to 12 minutes per episode, 6 times per day for bladder care (504 total minutes weekly)

and 14 minutes, once per day for bowel care (98 total minutes weekly).

Based on the record evidence documenting the Appellant's medical conditions and her testimony, which I credit, that she has lost the sensation of being able to tell when she has to go to the bathroom, and so is on a schedule where she goes to the bathroom every two hours, I find that the Appellant has met her burden regarding the time requested for toileting. Accordingly, this part of the appeal is approved.

Order for MassHealth

Rescind notice of July 10, 2025. Authorize PCA assistance weekly for

- Dressing/Undressing
 - 217 minutes weekly
- Toileting
 - 840 minutes weekly for bladder care
 - 119 minutes weekly for bowel care

for the prior authorization period of July 31, 2025, to July 30, 2026, in addition to the PCA assistance time already authorized by MassHealth.

Send notice to Appellant of implementation only; do not include appeal rights.

Notification of Your Right to Appeal to Court

If you disagree with this decision, you have the right to appeal to court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Emily Sabo
Hearing Officer
Board of Hearings

MassHealth Representative: Optum MassHealth LTSS, P.O. Box 159108, Boston, MA 02215